

1996—No. 292

## INSTITUTE OF SPORT ACT 1995—REGULATION

(Institute of Sport (Sporting Development Advisory Committee) Regulation 1996)  
NEW SOUTH WALES



(Published in Gazette No. 81 of 5 July 1996)

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Institute of Sport Act 1995, has been pleased to make the Regulation set forth hereunder.

GABRIELLE HARRISON MP  
Minister for Sport and Recreation.

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### PART I—PRELIMINARY

#### Short title

1. This Regulation may be cited as the *Institute of Sport (Sporting Development Advisory Committee) Regulation 1996*.

#### Commencement

2. This Regulation commences on 1 August 1996.

#### Definitions

3. In this Regulation:

“**Committee**” means the Sporting Development Advisory Committee constituted under section 19 of the Act;

“**member**” means a member of the Committee;

“**the Act**” means the Institute of Sport Act 1995.

## **PART 2—MEMBERS**

### **Deputies**

**4.(1)** The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.

**(2)** In the absence of a member, the member's deputy:

- (a) may, if available, act in the place of the member, and
- (b) while so acting, has all the functions of the member and is taken to be a member.

**(3)** The deputy of a member who is Chairperson of the Committee does not have the member's functions as Chairperson.

**(4)** A person while acting in the place of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

### **Terms of office of members**

**5.** Subject to this Regulation, a member holds office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

### **Remuneration**

**6.** A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

### **Vacancy in office of members**

**7. (1)** The office of a member becomes vacant if the member:

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by instrument in writing addressed to the Minister, or
- (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the Public Sector Management Act 1988, or
- (e) is absent from 4 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Committee for having been absent from those meetings, or

- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

(2) The Minister may remove a member from office at any time.

#### **Disclosure of pecuniary interests by members**

##### **8. (1) If:**

- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Committee, and
- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.

(2) A disclosure by a member at a meeting of the Committee that the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the Committee in a book kept for the purpose and that book must be available at all reasonable hours for inspection by any person on payment of the fee determined by the Committee.

(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Committee otherwise determines:

- (a) be present during any deliberation of the Committee with respect to the matter, or
- (b) take part in any decision of the Committee with respect to the matter.

(5) For the purpose of the making of a determination by the Committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

- (a) be present during any deliberation of the Committee for the purpose of making the determination, or
- (b) take part in the making by the Committee of the determination.

(6) A contravention of this clause does not invalidate any decision of the Committee.

#### **Filling of vacancy in office of member**

9. If the office of any member becomes vacant, a person may be appointed, subject to the Act and this regulation, to fill the vacancy.

#### **Effect of certain other Acts**

10. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If by or under any Act provision is made:

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Regulation as such a member.

(3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

### **PART 3—PROCEDURE**

#### **General procedure**

11. The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to the Act and this regulation, to be as determined by the Committee.

**Quorum**

12. The quorum for a meeting of the Committee is 5 members.

**Presiding members**

13. (1) A meeting of the Committee is to be presided over by:

- (a) the Chairperson, or
- (b) in the absence of the Chairperson, a member elected by the members present at the meeting.

(2) The person presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Voting**

14. A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.

**Transaction of business outside meetings or by telephone**

15. (1) The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee ~~or~~ at the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee.

(2) The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if a member who speaks on a matter before the meeting can be heard by the other members.

(3) For the purposes of:

- (a) the approval of a resolution under subclause (1), or
- (b) a meeting held in accordance with subclause (2),

the Chairperson and each other member have the same voting rights as they have at an ordinary meeting of the Committee.

(4) A resolution approved under subclause (1) is to be recorded in the minutes of the meetings of the Committee.

(5) Papers may be circulated among members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

**First meeting**

**16.** The Minister may call the first meeting of the Committee in such manner as the Minister thinks fit.

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**EXPLANATORY NOTE**

The Institute of Sport Act 1995 constitutes the Sporting Development Advisory Committee.

The object of this Regulation is to make provision for the constitution and procedure of that Committee.

This Regulation is made under section 19(7) of the Institute of Sport Act 1995.

This Regulation comprises matters of a machinery nature.

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